

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

v.

1:09MJ71

MARCUS BROOKS,

**ORDER/OPINION**

This matter is before the undersigned United States Magistrate Judge on Marcus Brooks' **third** "Motion To Dismiss Charges Of Possessing A Prohibited Object." [DE 11]. The Court has denied two prior essentially identical motions because Brooks is represented by counsel, L. Richard Walker, who has not adopted the motions, and, because there are no criminal charges against Brooks that are pending before this Court.

The subject motion, like the prior two, was filed by Brooks *pro se*, and purports to have been prepared by "Walter Bernard Morton #06122-007 Under Supervisor Deputy Director Of Public Defender Service Washington D.C." The sole immediately identifiable difference between the new motion and the prior two motions, is that Brooks has attached a document from the "Blackstone Career Institute" containing the grade report of Mr. Morton. This addition does not change the fact that, as decided on the previous two occasions, in the absence of charges pending against Brooks, there are no charges for the motion to dismiss to attach and, therefor the motion to dismiss [DE11] is **DENIED without hearing**.

This is Brooks' third similar motion. Brooks is wasting the time and resources of the Court by filing these frivolous motions when there are no charges pending against him at the Court level.

Brooks has been provided with Court Appointed Counsel to assist him prior to any charges being filed or brought against him in Court. Brooks' counsel is capable of determining if and when motions should be filed with the Court. So far counsel has not seen fit to file any motions or join in any motions filed by his client. Accordingly, Brooks is directed not to file any further such *pro se* motions unless and until there are actual charges pending against him before this Court. Further such filings by Brooks may result in a recommendation of a citation for contempt of Court against him.

It is so **ORDERED**.

The clerk is directed to send copies of this Order to counsel of record and to the Defendant.

Dated: November 30, 2009

*John S. Kaull*

JOHN S. KAULL

UNITED STATES MAGISTRATE JUDGE